

REMARKS

Applicant notes with appreciation the time taken by the Examiner to interview this case with Tom Anderson on May 16, 2006. Claim 11 has been amended to include the limitations of the base claim and all intervening claims, in accordance with the Examiner's recommendations in section 12 of the Office Action. Specifically, claim 11 has been amended to include each and every element of claim 1 and base claims 2-10 including: the notch being formed in at least one of the side walls to allow a predetermined amount of deformation of the first and second brackets during contact of an occupant with the instrument panel during sudden deceleration of the vehicle (claim 2); the web extending between the side walls to define a generally U-shaped cross section (claim 3); each side wall extending between an open edge and the web (claim 4); the notch being formed along the open edge and extending in a concave manner toward the web (claim 5); each of the first and second brackets extending arcuately between the proximal and distal ends (claim 6); the proximal end having a flange to allow the first and second brackets to be welded to the rigid member (claim 7); the distal end having an end wall extending between the side walls (claim 8); with each end wall having an aperture formed therein to allow attachment to the instrument panel (claim 9); and one of the pair of brackets being positioned in the vicinity of the occupant's knees to minimize intrusion through the instrument panel (claim 10). As such, Applicant believes claim 11 to be in condition for allowance and respectfully requests such action.

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Claim 1 has been amended to further define the first and second brackets as having generally parallel side walls. Claim 1 has been amended to also define at least one of the side walls having a notch extending through a portion thereof so as to define a predetermined wall depth and predetermined width to allow a predetermined amount of deformation of the first and second brackets during contact of an occupant with the instrument panel during a sudden deceleration of the vehicle. Applicant respectfully submits that none of the references of record disclose a notch extending through only a portion of the at least one of the side walls. In Yamazaki et al., the notches 12 extend through the height of the side walls, which results in no predetermined wall depth as required by claim 1. Similarly, the notches 29 in Okuyama extend through the height of the side walls 11, which again results in no predetermined wall depth as required by claim 1. Both Yamazaki et al. and Okuyama fail to disclose at least one element of claim 1, i.e. the notch that extends through a portion of at least one side wall to define a predetermined wall depth and predetermined width to allow a predetermined amount of deformation of the first and second brackets during contact between the occupant and instrument panel during a sudden deceleration of the vehicle. Applicant believes claim 1 is novel in view of the cited references and respectfully requests withdrawal of the anticipation rejection of claim 1. Applicant also respectfully requests withdrawal of the anticipation rejections of claims 3-6 on the basis of dependency from allowable base claim 1. Claim 2 is cancelled.

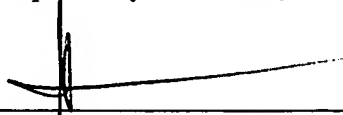
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Claim 4 has also been amended to depend from claim 3, and the “outer and inner walls” in claims 3 and 8 have been replaced by “side walls” to overcome Examiner’s objections in Section 6 of the Office Action.

Applicant also submits herewith replacement sheets for amended Figures 1 and 2. Figure 1 has been amended to better position the leader line for “32” so that it now more clearly points to the web. Figure 2 has been amended to now properly show the notches 53, 54, 55, 56, as they would be shown in a side elevational view. The brief description of the figures has been amended to correct Figure 2 as being a side elevational view rather than a cross sectional view. Lastly, the specification has also been amended to address the Examiner’s objections in sections 3-6 of the Office Action.

From the foregoing amendments and remarks, Applicant believes that the claims of the present application embody patentable subject matter and that the application is in condition for allowance. As such, allowance and advancement of the present case to issue is respectfully requested.

Respectfully submitted,



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